

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES OF AMERICA

Cr. A. No. 04-30057-01

VERSUS

JUDGE ROBERT G. JAMES

EDDIE NELSON RUIZ

A/K/A SALVADORE ARAIZA

MAG. JUDGE KAREN L. HAYES

ORDER

Considering the motion by Defendant for an extension of time to file an appeal, styled “Notice of Appeal” [Doc. No. 34],

IT IS HEREBY ORDERED that the motion is DENIED. Pursuant to Federal Rule of Appellate Procedure 4(b)(1)(A), a defendant must file a notice of appeal in a criminal case no later than ten (10) days after entry of judgment or the filing of the government’s notice of appeal, whichever is later. This 10-day period may be extended by the Court upon a showing of good cause or excusable neglect, but for no more than thirty (30) additional days. Fed. R. App. P. 4(b)(4). The government has not filed an appeal in this case. Judgment was entered in this matter on September 8, 2005. Defendant had ten (10) business days from the entry of judgment or until September 22, 2005 to timely file his notice of appeal. If he presented good cause or excusable neglect for his failure to timely file before or after the expiration of the ten-day period, the Court could have granted

Defendant an extension of thirty (30) calendar days or until October 24, 2005.¹

Defendant's "Notice of Appeal" is not dated, but the letter accompanying it is dated November 21, 2005, and it was received by the Clerk's Office on November 28, 2005. Defendant's motion is untimely and thus must be denied.

MONROE, LOUISIANA, this 25th day of January, 2006.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE

¹The thirtieth day on October 22, 2005, a Saturday, so the thirty-day period did not expire until the following Monday.